

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
<p>Paul S. Rosenstein (SBN 79647) 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375 Bar No. 510-465 5782 Fax No. (415) 510-452-4881</p> <p>E-MAIL ADDRESS (if available): Roofing Constructors, Inc. dba Western Roofing Service</p>		
<p>ATTORNEY FOR (Name): <u>Roofing Constructors, Inc. dba Western Roofing Service</u></p> <p>United States District Court: Northern Dist. of California 450 Golden Gate Avenue City and Zip Code: San Francisco, CA 94102</p>		
PLAINTIFF/PETITIONER: United States, etc.		CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.		CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents), order setting (initial CMC and ADR deadlines; ECF Registration handout; "Welcome to the U.S. District Court, SP", notice of assignment of case to a U.S. Magistrate Judge for trial)
3. a. Party served (specify name of party as shown on documents served).
Dick/Morganti/Nibbi, a Joint Venture
b. Person (other than the party in item 3a) served in behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in Item 3a).
Attention: Stephen F. D'Angelo
4. Address where the party was served:
1900 State Route 51, Large, PA 15025
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city). or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: United States, etc.	DOC NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	CV 08 2286 JL

5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 416.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. i. | by other means (specify means of service and authorizing code section):

| Additional page describing service is attached.

2. The "Notice to the Person Served" (on the summons) was completed as follows

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as recipient
- d. On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 416.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: B. Lynn
- b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
- c. Telephone number: 510-465-5782
- d. The fee for service was: \$ -0-
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22360(b).
- (3) a registered California process server:
 - (i) owner employee independent contractor.
 - (ii) Registration No.:
 - (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

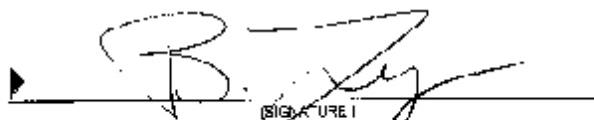
or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008

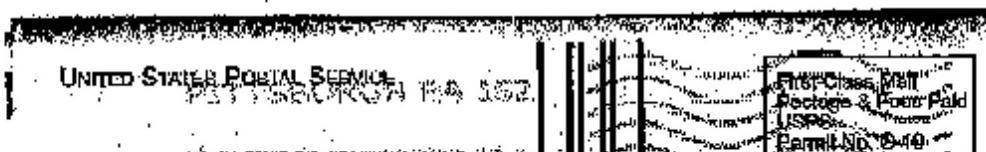
B. Lynn

NAME OF PERSON WHO SERVED, PAPER SHERIFF OR MARSHAL



SIGNATURE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the envelope, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Jason Coffey</i></p> <p>B. Received by (Printed Name) <i>Jason Coffey</i></p> <p>C. Date of Delivery <i>5/20/08</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>E. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to:	<p>Dick/Murgurini/MIDbi, a Joint Venture By: Dick Corporation, Joint Venture Attention: Stephen F. D'Angelo DICK CORPORATION 1900 State Route 51 Large, PA 15025</p>		
2. Article Number <small>(Number from package label)</small>	<p>700-0320 0002 9393 7895</p>		
Domestic Return Receipt		10550-02-M-154	



• **Sender:** Please print your name, address, and ZIP+4 in this box.

PAUL S. ROSENSTEIN, ESQ.
55 SANTA CLARA AVENUE
SUITE 250
OAKLAND, CA 94610-1375

POS-010

ATTORNEY OR PARTY (WITHIN IT ATTORNEY Name, State Bar number and address)		For Court Use Only
Paul S. Rosenstein {SBN 79547} 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1275 Telephone No: 510-463-3782 FAX No. (local) 510-452-4881		
E-MAIL ADDRESS (Optional)		
ATTORNEY FOR (Name): <u>Roofing Constructors, Inc. d/b/a Western Roofing Service</u>		
COURT: <u>United States District Court: Northern Dist. of California</u>		
MAILING ADDRESS:	450 Golden Gate Avenue	
CITY AND ZIP CODE:	San Francisco, CA 94102	
BRANCH NAME		
PLAINTIFF/PETITIONER: United States, etc.		JCASE NUMBER: <u>CV 08 2286 JL</u>
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.		Ref. No. or File No.
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - summons
 - complaint
 - Alternative Dispute Resolution (ADR) package
 - Civil Case Cover Sheet (served in complex cases only)
 - cross-complaint
 - other (specify documents): order setting initial CMC and ADR deadlines; ECP Registration handout; "We'll come to the U.S. District Court, SF", notice of assignment of case to a U.S. Register Judge for trial
- a. Party served (specify name of party as shown on documents served):
Dick Corporation
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in Item 3a):
Stephen F. D'Angelo, President
- Address where the party was served
1900 State Route 51, Large, PA 15025
- I served the party (check proper box)
 - by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) et (time):
 - by substituted service. On (date): at (time): I left the documents listed in Item 2 with or in the presence of (name and title or relationship to person indicated in Item 3):
 - (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - thereafter mailed (by first-class, postage prepaid) copies of the documents to be served at the place where the copies were left (Code Civ. Proc., § 415.20) I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 1

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER: CV 08-2286 JL
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	

Additional page describing service is attached.

6. The "Notice to the Person Served" (or the summons) was completed as follows:

- a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify).
 - c. as occupant.
 - d. On behalf of (specify):

under the following Code of Civil Procedure sections:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form 1000R&W) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.80 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other |

7 Person who served papers

- a. Name: B. Lynn
 - b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
 - c. Telephone number: 510-465-5782
 - d. The fee for service was: \$ -0-

8 | Page

- (1) not a registered California process server.
(2) exempt from registration under Business and Professions Code section 22350(b).
(3) a registered California process server:
 (i) owner employee independent contractor.
 (ii) Registration No.: _____
 (iii) County: _____

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

51

- I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008

B. I. vnn

NAME OF PERSON WHO SERVED PAPER/SHARIFF FOR MARSHAL:

UNITED STATES POSTAL SERVICE™ FEE & RATE

20 MAY 2008 PM 6:11

First-Class Mail
Postage & Fees Paid
M/S
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4 in this box *

PAUL S. ROSENSTEIN, ESQ.
55 SANTA CLARA AVENUE
SUITE 250
OAKLAND, CA 94610-1375

WRS

4375

RECORDED MAIL

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Stephen P. D'Angelio, President
Dick Corporation
1900 State Route 51
Large, PA 15025

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *John Conner* Agent
R. Unsigned by (Printed Name) Addressee

C. Date of Delivery

Jason Coffey 5/26/08

D. Is delivery address different from Item 1? Yes
If YES, enter delivery address below: No

B. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

2. Article Number

Transfer Non-Service Label 7005 1160 0002 9827 6646

F9 Form 3811, August 2001

Domestic Return Receipt

102593-02-14-1540

POS-410

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FORM NUMBER: CASE ONLY
<p>Paul S. Rosenstein (SBN 79647) 55 Santa Clara Avenue, Suite 230, Oakland, CA 94610-1775 TELEPHONE: 510-465-5787 FAX NO.: 510-452-4881</p> <p>E-MAIL ADDRESS: psr@roofing.com</p> <p>ATTORNEY FOR (Name): Roofing Constructors, Inc. d/b/a Western Roofing Service</p>		
<p>United States District Court; Northern Dist. of California MAILING ADDRESS: 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:</p>		
<p>PLAINTIFF/PETITIONER: United States, etc.</p> <p>DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.</p>		CASE NUMBER: CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS		See back of page.

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - summons
 - complaint
 - Alternative Dispute Resolution (ADR) package
 - Civil Case Cover Sheet (served in complex cases only)
 - cross-complaint
 - other (specify documents): Order setting initial CMC and ADR deadlines; ECF Registration handout; "Welcome to the U.S. District Court, SFN"; notice of assignment of case to a U.S. Magistrate Judge for trial.
- a Party served (specify name of party as shown on documents served):
Morganti Texas, Inc.

b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 3b) on whom substituted service was made (specify name and relationship to the party named in item 3a):
Ron Brookfield, Senior Vice President, President
- Address where the party was served:
350 North Sam Houston Parkway E., Suite 121, Houston, TX 77060-3306
- I served the party (check proper box)
 - by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3).
 - (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - I thereafter mailed (by first-class postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 416.20). I mailed the documents on (Date): from (City): or a declaration of mailing is attached.
 - I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER: CV 08 2286 JL
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	

5. by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid.
- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
- (3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
 b. as the person sued under the fictitious name of (specify):
 c. as occupant
 d. On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.85 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.80 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other |

7. Person who served papers

- a. Name B. Lynn
 b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1376
 c. Telephone number 510-465-5782
 d. The fee for service was: \$ -0-
 e. I am:

- (1) not a registered California process server.
 (2) exempt from registration under Business and Professions Code section 22350(b).
 (3) a registered California process server:
 (i) owner employee independent contractor.
 (ii) Registration No.:
 (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

BT

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

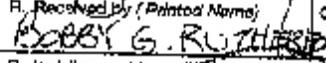
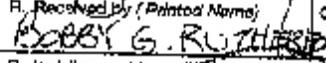
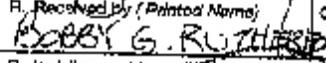
Date: May 16, 2008

B. Lynn

NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL



SIGNATURE

SENDER: COMPLETE THIS SECTION													
<ul style="list-style-type: none">■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mail piece, or on the front if space permits.													
1. Article Addressed to:													
<p>Ron Brockfield, Senior Vice President Morgan Texas, Inc. 350 North Sam Houston Parkway E. Suite 121 Houston, TX 77060-3306</p>													
2. Article Number (Transfer from service label)	7005 1160 0002 7827 6770												
PS Form 3811, August 2001	Domestic Return Receipt												
<table border="1"><tr><td colspan="2">COMPLETE THIS SECTION ON DELIVERY</td></tr><tr><td>A. Signature </td><td><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</td></tr><tr><td>B. Received by (Printed Name) </td><td>C. Date of Delivery JULY 19 2008</td></tr><tr><td colspan="2">D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO (Check delivery address below)</td></tr><tr><td colspan="2">E. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</td></tr><tr><td colspan="2">F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</td></tr></table>		COMPLETE THIS SECTION ON DELIVERY		A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	B. Received by (Printed Name) 	C. Date of Delivery JULY 19 2008	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO (Check delivery address below)		E. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.		F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
COMPLETE THIS SECTION ON DELIVERY													
A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee												
B. Received by (Printed Name) 	C. Date of Delivery JULY 19 2008												
D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO (Check delivery address below)													
E. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.													
F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes													

UNITED STATES POSTAL SERVICE		
		
<table border="1"><tr><td>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</td></tr></table>		First-Class Mail Postage & Fees Paid USPS Permit No. G-10
First-Class Mail Postage & Fees Paid USPS Permit No. G-10		
<p>* Sender: Please print your name, address, and ZIP+4 in this box *</p>		
<p>PAUL S. ROSENSTEIN, ESQ. 55 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1375</p>		

Attorney or Party without Attorney: PAUL ROSENSTEIN PAUL ROSENSTEIN 55 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1375	Telephone No.: (510) 465-5782	For Court Use Only		
Attorney for Plaintiff	Bar #79647			
Court Name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California				
Plaintiff: UNITED STATES , ET AL. Defendant: NIBBI BROS., INC., ET AL.				
PROOF OF SERVICE (Summons And Complaint)	Hearing Date:	Time:	Dept/Div	Case Number: CV 08 2286 JL

At the time of service I was at least 18 Years of age and not a party to this action.

I served copies of the:
Summons And Complaint; Order Setting Initial Case Management Conference And Adr Deadlines; "welcome To The U.s.district Court, San Francisco"; Eef Registration Information Handout

a. Party Served: **NIBBI BROS., INC. (Defendant)**
b. Person Served: **SAM "DOE", EMPLOYEE PHYSICAL DESCRIPTION AS FOLLOWS: W.M.55,S/P,5'10,200**

c. Address where the party was served: **180 HUBBELL ST.
SAN FRANCISCO, CA**

d. I served the party:
b. by substituted service on: Fri, May. 23, 2008 at: 6:50PM I left the documents listed in item 2 with or in the presence of:
SAM "DOE", EMPLOYEE PHYSICAL DESCRIPTION AS FOLLOWS: W.M.55,S/P,5'10,200

(1) (business) Person in Charge over 18. I informed him or her of the general nature of the papers.
(4) I thereafter mailed (by first-class, postage prepaid), copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., 415.20). I mailed the documents on: Tue, May. 27, 2008 from: Hayward CA.

e. The "Notice to the Person Served" (on the Summons) was completed as follows:
c. on behalf of: **NIBBI BROS., INC.**

Under CCP 416.10 (corporation)

f. Person who served the papers:
a. **TOM MIRANDA**
b. **WAKEMAN PROCESS SERVICE INC.**
22283 Main Street
Hayward, CA 94541
c. (510) 886-7667

Recoverable Costs Per CCP 1023.5(a)(4)(B)
d. The Fee for service was: \$50.00
e. I am: (3) Registered California process server.
(i) Independent Contractor
(ii) Registration No.: 1056
(iii) County: ALAMEDA
(iv) Expiration: Jul. 28, 2008

g. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May. 27, 2008

Judicial Council Form POS-010
Rev. 06/09 or 04/04 Rev. Jan. 01, 2007

PROOF OF SERVICE

[Signature]
(TOM MIRANDA)

ROSEN,37201#

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address).		FOR COURT USE ONLY
<p>Paul S. Rosenstein (SBN 79647) 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1373 Telephone No. 510-465-5782 Facsimile No. 510-452-4881 E-mail Address (Optional): <u>A ATTORNEY FOR DEFENDANT: Roofing Constructors, Inc. d/b/a Western Roofing Service</u></p>		
MAILING ADDRESS: 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		
PLAINTIFF/PETITIONER: United States, etc. DEFENDANT/RESPONDENT: Dick/Morganti/Nihl, a joint venture, et al.		CASE NUMBER: CV 08 2286 JL
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
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 - complaint
 - Alternative Dispute Resolution (ADR) package
 - Civil Case Cover Sheet (served in complex cases only)
 - cross-complaint
 - other (specify documents): order setting initial CMC and ADR deadlines; CCP Registration Handout; "Welcome to the U.S. District Court, SF", notice of assignment of case to a U.S. Magistrate Judge for trial
- a. Party served (specify name of party as shown on documents served). Magistrate Judge for trial
American Casualty Company of Reading, Pennsylvania
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Stephen W. Lilienthal, President
- Address where the party was served:
333 S. Wabash Avenue, Chicago, IL 60604
- I served the party (check proper box)
 - by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ at (time): _____
 - by substituted service. On (date): _____ at (time): _____ I left the documents listed in Item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: United States, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganit/Nihbi, a joint venture, et al.	CV 08 2286 JL

5. e. by mail and acknowledgement of receipt of service, I mailed the documents listed in item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid.

- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
 with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.32.)
 to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached

2. The "Notice to the Person Served" (on the summons) was completed as follows

- a. as an individual defendant.
b. as the person sued under the fictitious name of (specify):
c. as occupant
d. On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.35 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 416.45 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: B. Lynn
b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
c. Telephone number: 510-465-5782
d. The fee for service was: \$ 0
e. I am

- (1) not a registered California process server.
(2) exempt from registration under Business and Professions Code section 22350(b).
(3) a registered California process server:
(i) owner employee independent contractor.
(ii) Registration No.:
(iii) County:

B. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

B. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: May 16, 2008

B. Lynn

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the envelope, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>[Signature]</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>[Signature]</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to:			
<p>Stephen W. Lilienthal, President American Casualty Company of Reading, Pennsylvania 333 S. Wabash Avenue Chicago, IL 60604</p>			
2. Article Number <small>(Transfer from service label)</small>		7005 1160 0002 7827 6653	

PS Form 3811, August 2001 Domestic Return Receipt

10280-02-M-1540

UNITED STATES POSTAL SERVICE			First-Class Mail Postage & Fees Paid USPS Permit No. G-10
<p>* Sender: Please print your name, address, and ZIP+4 in this box *</p> <p>PAUL S. ROSENSTEIN, ESQ. 55 SANTA CLARA AVENUE SUITE 250 OAKLAND, CA 94610-1875</p>			

7005 1160 0002 7827 6653

No.

ATTORNEY OR PARTY IN THI, ATTORNEY (Name, State Bar number, and address)		POS-010
<p>Paul S. Rosenstein (SBN 79547) 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375 TELEPHONE NO: 510-465-5782 FAX NO (optional): 510-452-4881</p> <p>E-MAIL ADDRESS (Optional)</p> <p>ATTORNEY FOR (Name): Roofing Constructors, Inc. dba Western Roofing Service</p>		FOR COURT USE ONLY
<p>JUDGE: United States District Court: Northern Dist. of California MAILING ADDRESS: 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH/NAVE:</p>		
PLAINTIFF/PETITIONER: United States, etc.	DATE NUMBER:	
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	CV 08 2286 JL	

PROOF OF SERVICE OF SUMMONS

(CIV. L.R. 54(d)(2)(B))

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): order setting initial CMC and ADR deadlines; ECF Registration handout; "welcome to the U.S. District Court, SF", notice of assignment of case to a U.S. Magistrate Judge for trial
3. a. Party served (specify name of party as shown on documents served): Magistrate Judge for Trial
Continental Casualty Company
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b or whom substituted service was made) (specify name and relationship to the party named in item 3a): Stephen W. Lifenthal, President
4. Address where the party was served:
333 S. Wabash Avenue, Chicago, IL 60604
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ at (time): _____
 - b. by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 416.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	CV 08 2286 JL

6. c by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party to the address shown in Item 4, by first-class mail, postage prepaid,

- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
 (3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
 (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows.

- a. as an individual defendant.
 b. as the person sued under the fictitious name of (specify):
 c. as occupant.
 d. On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|--|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.25 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.30 (minor) |
| <input checked="" type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.48 (occupant) |
| | <input type="checkbox"/> other |

7. Person who served papers

- a. Name: B. Lynn
 b. Address: 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
 c. Telephone number: 510-465-5782
 d. The fee for service was: \$ -0-

e. I am:

- (1) not a registered California process server.
 (2) exempt from registration under Business and Professions Code section 22350(b).
 (3) a registered California process server:
 (i) owner employee independent contractor.
 (ii) Registration No.
 (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

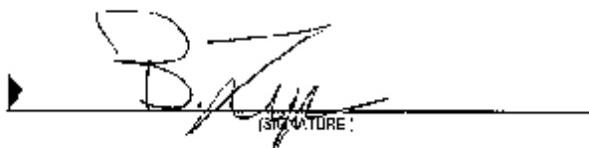
or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

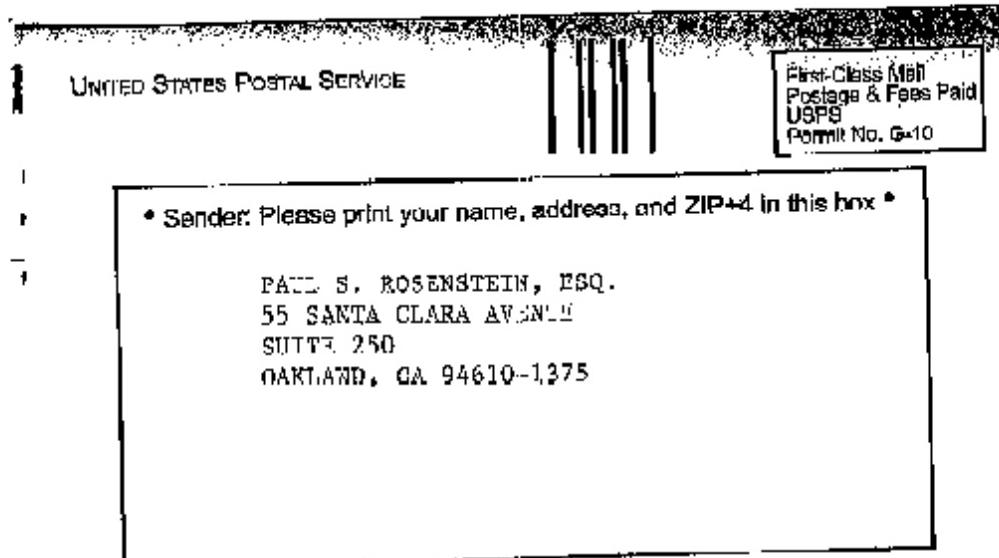
Date: May 16, 2008

B. Lynn

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)



2.

PS

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature: <i>[Signature]</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Handwritten Name: <i>[Signature]</i></p> <p>C. Date of Delivery:</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Stephen W. Lichtenhal, President Continental Casualty Company 833 S. Wabash Avenue Chicago, IL 60604</p>		<p>E. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Handwritten from service label)</p>		<p>7005 3160 0002 9827 6677</p>	

PS Form 3811, August 2001

Domestic Return Receipt

102008 06 M-1510

POS-01C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
<p>Patil S. Rosenstein (SBN 79647) 55 Santa Clara Avenue, Suite 230, Oakland, CA 94610-1975 Telephone No.: 510-463-3782 Fax No. (optional): 510-452-4881</p> <p>E-MAIL ADDRESS (Optional): <u>Attorney for Plaintiff: Roofing Constructors, Inc. dba Western Roofing Service</u></p>		
<p>MAILED ADDRESS: United States District Court: Northern Dist. of California 450 Golden Gate Avenue City and Zip Code: San Francisco, CA 94102</p> <p>BRANCH NAME:</p>		
PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER:	CV 08 2286 JL
DEFENDANT/RESPONDENT: Dick/Morganti/Nibbi, a joint venture, et al.	Ref. No. or File No.:	
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - summons
 - complaint
 - Alternative Dispute Resolution (ADR) package
 - Civil Case Cover Sheet (served in complex cases only)
 - cross-complaint
 - other (specify documents): order setting initial CMC and AJR deadlines; ECF Registration handout; *Welcome to the U.S. District Court, SF*, notice of assignment of case to a U.S. Magistrate Judge for trial
- Party served (specify name of party as shown on documents served):
 - Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 3b on whom substituted service was made) (specify name and relationship to the party named in item 3a).
John Q. Doyle, President
- Address where the party was served:
175 Water Street, New York, NY 10038
- I served the party (check proper box)
 - by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - by substituted service. On (date): at (time): I left the documents listed in Item 2 with or in the presence of (name and title or relationship to person indicated in Item 3).
 - (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 416.20). I mailed the documents on (date): from (city): a declaration of mailing is attached.
 - attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: United States, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: Dick/MorganLi/Nibbi, a joint venture, et al.	CV 08 2286 JL

5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

- (1) on (date): May 16, 2008 (2) from (city): Oakland, CA
 (3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
 (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (or the summons) was completed as follows.

- a. as an individual defendant.
 b. as the person sued under the fictitious name of (specify):
 c. as occupant.
 d. On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.45 (occupant) |
| | <input type="checkbox"/> other |

7. Person who served papers

- a. Name: B. Lynn
 b. Address: 35 Santa Clara Avenue, Suite 250, Oakland, CA 94610-1375
 c. Telephone number: 510-465-5782
 d. The fee for service was \$ 0-

e. I am:

- (1) not a registered California process server.
 (2) exempt from registration under Business and Professions Code section 22250(b).
 (3) a registered California process server
 (i) owner employee independent contractor.
 (ii) Registration No.:
 (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

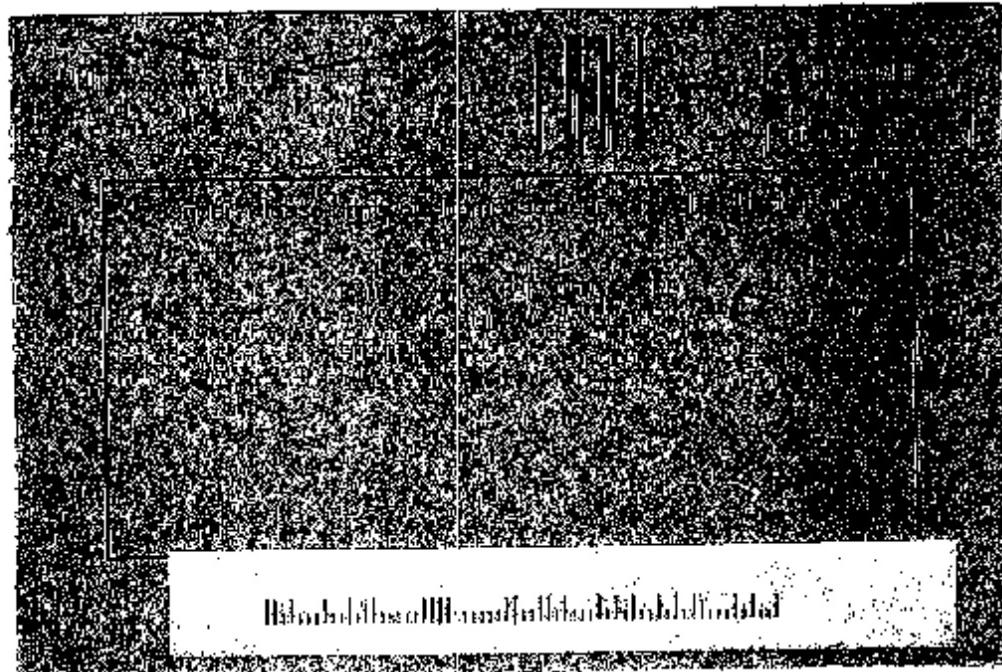
Date: May 16, 2008

B. Lynn

NAME OF PERSON WHO SERVED PAPERSERVER OR MARSHAL



SIGNATURE



Handwritten Signature over redacted area

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the envelope, or on the front if space permits.</p>		<p>A. Signature <i>Pat Simoneau</i></p> <p>B. Received by / Printed Name <i>PAT SIMONEAU</i></p> <p>C. Date of Delivery <i>5/2008</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed To:		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
John Q. Doyle, President National Union Fire Insurance Company of Pittsburgh, PA 175 Water Street New York, NY 10038		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	